

## ANOTHER HOLDUP IN THE NEW HAVEN CASE

Boston and Maine Stock Cannot Be Sold Without Legislative Approval.

### "JOKER" IN THE CHARTER

Effort Will Be Made to Have It Repealed—No Progress in Conferences.

WASHINGTON, Feb. 27.—The negotiations on the New Haven dissolution plan at the Department of Justice were brought to a complete halt today by the discovery of a joker in the charter of the Boston Holding Company, through which the New Haven controls the Boston and Maine.

It was found that the charter will have to be amended by the Massachusetts Legislature before the Massachusetts plan for the disposal of the Boston and Maine can be fixed upon. This throws an unexpected obstacle in the way of the negotiations and strong doubt is being expressed as to whether or not there can be any settlement with the Federal Government out of court.

Today's conference ended without any appreciable progress having been made toward an agreement on the time to be allowed for the sale of the Boston and Maine by a board of five trustees.

It is virtually certain as a result of the day's developments that no agreement will be consummated between the Government and the New Haven for a month or more, even if either side shows willingness to compromise on the time limitation feature.

The negotiations were resumed today with the Attorney-General and his associates by Moorfield Storey and Walker D. Hines of the New Haven counsel and George W. Anderson of the Massachusetts Public Service Commission, despite the deadlock which was reported before Chairman Elliott's departure yesterday.

Before leaving for New York Mr. Elliott delivered an ultimatum to Mr. McElroy stating that the New Haven would not agree upon a brief period than five years for the disposal of the Boston and Maine stock nor upon the terms of the tentative provisions adopted two weeks ago for the recognition of the right of the State of Massachusetts to acquire control of the Boston and Maine at any time during the trusteeship period.

### What the Charter Showed.

An examination of the Boston Holding Company's charter disclosed the provision that any sale of stock of the Boston and Maine by the holding company must be approved by the State of Massachusetts.

The Boston and Maine originally was owned by the State of Massachusetts. The Boston Holding Company was created by the State in order that the New Haven's control of the road might have a legal status. The State at the time of the chartering of the holding company reserved the right to reacquire ownership of the road and the right to approve sale of stocks as well.

The Attorney-General and all parties in the conference recognized immediately after the meeting that the provision was inadvisable for the trustees to attempt to dispose of the Boston and Maine in the circumstances. It would be necessary according to the charter provision for every sale of stock, however small, to be submitted to the Legislature for ratification.

To seek a Repeal.

It was decided to suspend the conference until an attempt had been made to remove the objectionable provision from the Boston Holding Company's charter. Public Utilities Commissioner Anderson left for Boston tonight to confer with Gov. Walsh on ways and means to get a repeal of this provision.

Messrs. Hines and Storey informed the Attorney-General that they would lay the situation in regard to the Boston Holding Company's charter before the New Haven directors at the meeting in New York next Tuesday and that an effort would be made to make a suitable plan to deal with that situation.

At the conference the Government submitted a compromise proposal for the time limitation on the Boston and Maine trusteeship, which was rejected by the representatives of the New Haven. The Government proposed that the trustees be instructed to dispose of the Boston and Maine stock by April 1, 1914, if it were possible to do this advantageously, with the understanding that more time would be granted by the Government if the two year period proved inadequate.

The New Haven representatives insisted upon the full five year period demanded in Chairman Elliott's ultimatum. This demand was again rejected by the Government.

No agreement was reached on the three trustees to be named in addition to ex-Chief Justice Knowlton of the Supreme Court of Massachusetts and City Solicitor Doherty of Springfield. This matter will be discussed at the directors' meeting in New York next week.

No arrangements have been made for the next meeting of the Attorney-General and Chairman Elliott. It is assumed that a conference will follow the directors' meeting.

### ATTACKS MELLER'S ARREST.

Its Legality Questioned at Opening of His Trial.

BRIDGEPORT, Conn., Feb. 27.—Homer S. Cummings of Stamford, counsel for Charles S. Mellen, ex-president of the New Haven railroad, attacked the jurisdiction of the court today at the opening of the trial of Mr. Mellen on the charge of manslaughter as the result of the wreck of the Springfield express at Westport in October, 1912.

In appearing for Mr. Mellen Mr. Cummings was assisted by L. J. Nickerson of Cornwall, W. H. Boardman and S. D. Bowers of Bridgeport. State's Attorney Judson was unopposed in the case. The court room was crowded.

The argument began with the reading of the plea, which took exception to the arrest of Mr. Mellen on a bench warrant issued by Judge Greene on May 1, 1913. The principal objection was raised upon Article 1, section 8, of the Constitution of Connecticut. That section of the State Constitution reads:

"The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures or to warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause supported by oath."

Mr. Cummings said that Mr. Mellen was charged with manslaughter in the killing of a person in the wreck at Westport and the question arose whether or not Mr. Mellen had been legally arrested.

## ROB RESTAURANT FOR A MEAL.

Two Schoolboys Took Everything From Soup to Cigars.

Two schoolboys were picked up in Hoboken yesterday by detectives who saw them looting a restaurant. The boys were Charles J. Gallagher, 11 years old, of 307 Willow avenue, and Edward Hiley, 12 years old, of 414 Grand street. The boys confessed that they had broken into the restaurant of George Doyle at 209 Washington street and stolen the cigars. They also confessed that they had made soup, cooked steaks and chops and fried potatoes and enjoyed a good meal before leaving the place about 2 o'clock in the morning.

Recorder McGovern held the boys for arraignment in the juvenile court.

## MRS. WILSON HEARS MARY ANTON

Col. Goethals in Dinner Guest of General and Mrs. Sharpe.

WASHINGTON, Feb. 27.—Mrs. Wilson and Miss Eleanor Wilson with a party of friends occupied a box at the Columbia Theatre this afternoon at the lecture of Mary Anton on "The Responsibility of America." Gen. and Mrs. Henry G. Sharpe were dinner hosts this evening in honor of Col. Goethals, Governor of Panama, who was a classmate of the host and Mrs. Blaine Elkins went to New York for a short stay. Mr. and Mrs. Hitt came up from their home in Virginia a few days ago to be guests of Mr. Hitt's mother.

## PRICE FIXING PLAN FOR TRADE MARK ARTICLES

Bill Authorizing an Old System Introduced in House by a Democrat.

WASHINGTON, Feb. 27.—A bill designed to permit manufacturers and retail dealers to fix prices on trade marks or special brand articles, approved by officers of the Fair Trade League, has been introduced in the House of Representatives by Representative Stevens of New Hampshire, a Democrat.

The measure is intended to permit the resumption of a trade practice that was in vogue in the United States until court decisions in England and America holding that such contracts were in restraint of trade and therefore in violation of the Sherman anti-trust law.

The Stevens bill was referred to the Committee on Interstate and Foreign Commerce, which will hold hearings on it later in the session for the benefit of officers of the Fair Trade League and other interested parties.

The bill permits the sale of articles manufactured with trade marks or special brands under contracts prescribing the uniform prices at which such articles shall be sold. It authorizes price fixing, as indicated, is subjected to conditions which are named in the bill.

It is provided that trade marked or special brand articles may be sold at uniform prices in cases where such commodities are not controlled by a monopoly. It is also provided that manufacturers who take advantage of the law shall affix to each article of the package containing it the price prescribed by the vendor at the time of delivery.

The bill further provides that dealers operating under the proposed price fixing law shall file in the bureau of corporations a statement setting forth a trade mark or special brand article owned or claimed and the price fixed on it and pay at the same time a registration fee of \$10.

Dealers may depart from the uniform prices named in their schedules in case of damage to the package containing the goods because damaged, but before marking down prices they are required to offer the commodities for sale to the person from whom they were received at the original price. A similar provision has been started among these men with a view of inducing Congress to modify the Sherman law, as it has been interpreted by the courts, so as to authorize price fixing by contract on patented, trade marked and special brand articles. This sentiment is reflected in bills such as that offered by Mr. Stevens and another presented earlier in the week by Representative Metz of New York.

The subject has been discussed at public hearings before the House committee on the Federal Trade Commission and at the same time under consideration. Republican and Democratic members have indicated that they are opposed to a general price fixing law, although opposing the principle enumerated in the Stevens bill.

## 4 ISLAND GRAFT INDICTMENTS.

May Grand Jury Hail Charge Perjury and Conspiracy.

The May Grand Jury, of which Ezekiel C. M. Rand is foreman, which has heard evidence in the case of the New Haven Island graft, yesterday ordered three indictments for perjury and one for conspiracy. They will report next Wednesday to Justice Reaury when the indictments will be handed up.

Many witnesses were called to prove that the materials used in the manufacture of the island were obtained from the brush and broom departments particularly in this shown to be true.

Warden Hayes of the penitentiary was a witness before the grand jury and testified that the grand jury had heard evidence that the principal evidence was also heard. They all waived immunity when called.

Assistant District Attorney Du Vivier, who has been handling the case, said that the grand jury would not indicate who would be indicted.

## J. PARKER WHITNEY INDICTED.

He Is Accused of Violating the "White Slave" Act.

SAN FRANCISCO, Feb. 27.—The Federal Grand Jury indicted J. Parker Whitney, a wealthy society man, on three counts today for alleged violation of the Mann "white slave" act. He is accused of having brought Miss Genevieve Hannan to San Francisco for immoral purposes.

Whitney exhibited to the Grand Jury letters from Miss Hannan, by which he intended to show that he held out no matrimonial promise to her when she came to the city from New York on a S. D. Bowers of Bridgeport.

Miss Hannan, who says she lives in New York, has left here for Chicago by way of New Orleans.

GANG MAKES WOMAN CAPTIVE.

Two Arrested After She Tells Story to Police.

As Mrs. Bertha Reich, 21 years old, of 738 Sixth street, was passing 532 Sixth street, near Avenue B, at 9:30 o'clock last night a gang of about five men, one of whom carried a handkerchief into her mouth, dragged her into the house and carried her up a flight of stairs to a room, where he and three other men maltreated her.

After the young woman escaped from the house she told her story to Policeman Croughan, who climbed the stairs of No. 532 with her. In the room were two men, who were arrested after Mrs. Reich had identified them. They described themselves as Harry Glaser, 23 years old, a driver, and Morris Abner, 20 years old, an upholsterer, both of that address.

Mrs. Reich was taken to the station in a police car. She has a husband in Germany. Up to Thursday, she said, she had been employed as a domestic by David Kessler, an actor, at 17 Livingston street, Brooklyn.

## FINDS A FEW FLAWS IN ANTI-TRUST BILLS

C. F. Mathewson of New York Criticizes Prohibition of Price Discrimination.

### BIG COMBINES DEFENDED

President of Wisconsin University Says They're Inevitable and Beneficial.

WASHINGTON, Feb. 27.—Charles F. Mathewson of New York addressed the Senate Committee on Interstate Commerce today in criticism of the pending anti-trust bills, and told them of many flaws in both measures. His remarks were a continuance of the discussion he began yesterday before the committee as a representative of the Chambers of Commerce of the United States.

"The section prohibiting discrimination in price to injure a competitor," said Mr. Mathewson, "is inadvisable, because it will destroy competition. The provision that nine owners must sell to the public without discrimination virtually makes a public utility of mines. This is illegal, and, even if it were legal, it is inadvisable. It would prevent railroads, for example, from providing themselves, through holding companies, with their supplies."

Will Weaken Sherman Law.

"The bill attempting to define various acts that shall be held to constitute illegal combinations in restraint of trade will weaken the Sherman law. Already the Supreme Court of the United States has saved the Sherman act from being unconstitutional by holding that it applies only to combinations that attempt to create monopolies. The bill prohibiting interlocking directorates does not suit the Chambers of Commerce of the United States. The prohibition should apply only to cases where there are direct business relations among the involved corporations. There is great evil in the unrestricted permission of corporations to maintain interlocking directorates, but the disadvantages are equally great in prohibiting them absolutely."

Mr. Mathewson gave his views on the subject of a trade commission that would carry out President Wilson's ideas of what sort of body that should be. He said he could not advise that a commission should be permitted to investigate and report to the Government would not object to certain forms of organization. It might be advisable, he thought, for a commission when it thought a corporation was violating the law to investigate and report to the Government would not object to certain forms of organization. It might be advisable, he thought, for a commission when it thought a corporation was violating the law to investigate and report to the Government would not object to certain forms of organization.

Defends Cooperative Combines.

President Charles R. Van Hise of the University of Wisconsin told the committee that the high water mark of the movement for cooperative associations between organizations and individuals as to the great combinations of capital to which public attention and proposed legislation were generally directed. The general situation, in his opinion, should be met instead of merely permitting the Attorney-General to pick out for prosecution such corporations as have become public nuisances.

His argument in favor of the necessity for recognizing the cooperative tendencies in modern industrial development were also heard. He said he presented a forthright appeal to the House Committee on the Judiciary that cooperation is inevitable and will develop in spite of laws. The tendencies of prices under cooperative industrial development, he said, were toward a generally lower and certainly a fairer average in so far as the consumer was concerned.

It was explained by Chairman Newlands that the bills to amend the Sherman act in regard to what shall constitute unfair competition were being framed as an administrative measure, and that personally he believed the Sherman act should not be amended in this respect.

## CORPORATION LICENSE BILL.

Nelson Would Put Them Under Secretary of Commerce.

WASHINGTON, Feb. 27.—Senator Nelson, author of the law creating the Department of Commerce, today introduced a bill in the Senate today requiring all corporations engaged in interstate commerce which are not now subject to regulation by the Federal Trade Commission to get a license from the Secretary of Commerce.

The bill proposes to give to the Secretary of Commerce complete control over corporations, not common carriers, that engage in interstate commerce. It requires every corporation now engaged in such commerce to make written application to the Secretary of Commerce after the passage of the act, and in doing so to file with the Secretary of Commerce its charter, by-laws, statements of capitalization, amount of stocks and bonds, physical value, dividends paid, salaries of officers and practically a complete disclosure of its business affairs.

The Secretary of Commerce may use his discretion in issuing a license, and if a license is issued it may be revoked at any time. He is authorized to prevent unlicensed corporations from engaging in interstate commerce by applying for writs of injunction from the Federal courts.

Corporations operating under a license from the Secretary of Commerce will not have the privilege of suing stocks or bonds in other corporations. The bill requires all licensed corporations to keep not only a "directors' book" but also a "stockholders' book," each of which is to be a true and correct record of the names of all persons at all times to the shareholders, bondholders, and in fact to the public.

The bill gives the Secretary of Commerce authority to require a complete disclosure of the affairs of licensed corporations at all times. He is required to report a full list of licensed corporations at the beginning of each session of Congress.

## WHIPPED IN HOME, SHE SAYS.

Men Held Her, She Tells New Jersey Investigators.

THRENTON, N. J., Feb. 27.—An affidavit of Amelia D. Rumlis of 82 Germania avenue, North Hudson, formerly an inmate of the State House for Girls, was presented to the New Jersey State Police today, setting forth that while at the home she had been held by a carpenter and a farm hand, while Mrs. Elizabeth V. H. Mansell, superintendent of the institution, beat her with a strap until she was unable to walk to her room without assistance.

Amelia, who is now more than 18 years old, was committed to the home in December, 1911, by Judge Carr.

Mrs. Mansell denied the charges.

Notwithstanding the fact that between 120 and 130 girls are housed in the main building at the home, which has been pronounced a fire trap, the matron of the building testified that until recently no fire drills had been conducted there. In other buildings there never had been fire drills.

## SAYS WIFE DROVE HIM OUT.

W. H. Coolidge Attributes His Deserction to a Revolver in Her Hands.

William H. Coolidge of Stockholm, N. J., a former member of the New York Stock Exchange, replying to the charges of his wife, Mrs. M. Coolidge, who yesterday's trial before Advisory Master Ror in the Jersey City Chancery Chambers, denied that he was guilty of desertion, but alleged that he was driven from his home by his wife at the point of a revolver. They were living at the time at 280 Harrison avenue, Jersey City, where Mrs. Coolidge makes her home.

Mrs. Coolidge testified that she could not remember when she was married. Her counsel helped her out by producing the wedding certificate showing that it was issued on March 18, 1913, the separation occurred on January 24, 1911.

Mr. Coolidge, besides charging cruel treatment, named two correspondents, Oscar Stern and Edward Kennedy, both of whom live in Jersey City. Decision was reserved.

## HEALER DIES IN HOSPITAL.

Christian Scientist Doctor Taken to Jewish Institution.

Mrs. Debora C. Folk of 1325 Dean street, Brooklyn, widow of Jesse E. Folk, died on Wednesday of apoplexy in the Jewish Hospital in that borough. She had been a practitioner of Christian Science in Brooklyn for twenty-five years and was one of Mrs. Eddy's first followers.

Mrs. Folk was stricken on an elevated train a week ago and was taken unconscious to the hospital. She received medical treatment, but two or three of her Christian Science associates were frequently at her bedside.

The funeral services will be conducted today by First Reader Albert Gilmore of the First Church of Christ.

## ORDER OF PUBLICITY HALTS KOEHLER TRIAL

Hidden Force, Fighting Spotlight, Gets Postponement by Appeal of Garrison's Order.

NEW LONDON, Conn., Feb. 27.—The court-martial of Major Benjamin M. Koehler has been thrown into confusion and the scandal so far attending it has been heightened by the departure for the Philippines of Major-General Thomas H. Barry, commanding the Department of the East.

Gen. Barry, who ordered a secret court-martial, had left Governors Island only a few hours, it is said here, when an order came from Secretary of War Garrison declaring the Koehler trial open to the public.

The order had hardly reached Fort Terry, on Plum Island, where the trial is being held, when an appeal from it was telegraphed back to Washington. Col. Henry Kirby, president of the military court, would not say whether or not he was the one who appealed against publicity in the case.

Some one opposed to such publicity then secured a postponement of the trial. No session was held today, and it is uncertain when the trial will reconvene.

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## TEXAS ORATORS PROP UP FALLING REPUBLIC

Dies and Slayden Rage Against Vice-Admirals, Motor Cars and Society.

### EVEN BRYAN IS RUBBED

Country Going to Demolition

Bow-wows and It's Time to Call Halt.

WASHINGTON, Feb. 27.—Two members of the Texas delegation out loose in the House today and made the rafters ring with their cries of rage over the way things are now drifting in the republic.

They deprecated social activities in the army, the navy and elsewhere and insisted that unless present tendencies were checked the country would go to the demolition bowwows. Representative Dies and Representative Slayden were the Texas orators who disported themselves.

Every time a pension bill is mentioned in the House, Dies' presence is smart with Congress every time Mr. Slayden is told that an American army or navy officer or an American diplomat has come in contact with a King or other foreign potentate he emits a howl of indignation. Rank, social and otherwise, is the pet aversion of Mr. Slayden.

A pension bill was brought up in the House today. In the course of the debate some one mentioned in passing that the Secretary of the Navy wanted six Vice-Admirals created and that the Secretary of War had recommended that the rank of Lieutenant-General be restored in the army.

Representatives Dies and Slayden at once plunged into the discussion. Mr. Dies deplored the weakness of Government officials for automobiles. If he had his way about it Government officials would buy their own cars or walk.

### Mr. Dies' Fervent Hope.

"I am one of those," said Mr. Dies, "who fervently hope and pray that the time will come when this will be the simple, honest, unostentatious republic of our fathers. I believe all efforts to copy extravagances at the palaces of princes and kings are the sure and never failing signs of decay in this republic."

Mr. Slayden, too, was fervent. Representative Slayden had declared that the navy wanted six Vice-Admirals merely for social purposes abroad.

"I find from the discussion of this Vice-Admiral measure in another body (the Senate) that we are in a sad dilemma because we have no Vice-Admirals in this country," said Mr. Dies, "and that actually our Rear Admirals and Captains are visiting abroad and entertaining princes and potentates at our expense and breaking champagne bottles for their entertainment and call but his head to do not have any Vice-Admirals to get around ahead of any other functionaries when the punchbowl is opened."

Before it was necessary that we should have Vice-Admirals so that when they are being served our Admirals and Captains will not have to follow behind those of other nations, such as Argentina, Chile, Peru, Colombia and France and so on."

Enter now Representative Trible of Georgia, who also views royalty with alarm.

"Did we have any Vice-Admirals when we defeated Spain?" asked Mr. Trible.

"Oh," replied the sarcastic Texas, "you did not need Vice-Admirals and lace and champagne in a contest upon the field or on the sea in behalf of the flag and liberties of the country. A man can fight as well being the Captain of a ship as if he were a Vice-Admiral. The great glory of a vessel. What they are anxious to get it for is that they themselves and their families may take social rank in the courts of Europe."

Mr. Dies returned to the automobile question and denounced the Secretary of Labor for asking Congress to buy three automobiles for him.

"I feel sorry for my friend the Secretary of Labor in his ambition to have a seven seated touring car and a \$2,500 limousine. These are setting a bad pace in the simple republican capital," said Mr. Dies.

"When a man undertakes to indulge one of those insidious habits with a Ford salary he has either got to come to Congress for more money or take it out of the contingent fund in defiance of the edict of Congress, and when he gets down to the Ford question and the fellow with the Ford disposition and the fellow who barrow salary gets into trouble he wants the Government to give him a pension."

Referring to extravagances in living and to society in Washington, Mr. Dies said: "Do you remember a short time ago we almost had an insurrection in this country as to whether Senators or members of Congress should give the glad hand to the President?"

"Happily this awful spectre of social conflict has passed, but now some little dignitary down in some little country is taking tea and getting to come to Congress for more money or take it out of the contingent fund in defiance of the edict of Congress, and when he gets down to the Ford question and the fellow with the Ford disposition and the fellow who barrow salary gets into trouble he wants the Government to give him a pension."

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## Whatever is Equitable is fair

This may be a play on words, but it also happens to be the truth.

It is easier to find a needle in a haystack than two prices in Equitable rents.

The Equitable is not being built to favor the few at the expense of the crowd.

And for that reason the one-price idea will be unequivocally maintained with every tenant on the Equitable rent roll.

Leases now being made from May 1, 1915. The building, however, is due to be completed 2 or 3 months ahead of that date.

## Equitable Building

Temporary Office, 27 Pine Street

## VICTOR HERBERT'S SON HUNTS.

Not for Pleasure, but for a Job in Detroit.

DETROIT, Feb. 27.—Clifford V. Herbert of New York City, son of Victor Herbert, the composer, arrived in Detroit yesterday to hunt a job in an automobile factory.

Young Herbert displayed letters of introduction to officials of the Ford Motor Company, where he will go in search of a position. He is a member of the senior class at Cornell, whence he came direct to Detroit.

"All my life I have liked mechanics," he said. "I had a little gasoline motorboat when I was very young and I became interested in motors. Father has never insisted that I follow a musical career. On the other hand, he is willing that I shall arrange to take up the automobile business, and he sent me a check for \$50 to make this trip."

Herbert is 15 years old. He will be graduated at the end of the present academic year and will then come to Detroit. His intention is to start at the bottom and